

Notice of Allowability	Application No.	Applicant(s)	
	09/345,669	MINEMIER, RONALD K.	
	Examiner Nhan T. Tran	Art Unit 2622	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Appeal Brief filed 5/26/2006 and phone interview on 8/4/2006.
2. The allowed claim(s) is/are 1-6,8-13,15-17 and 19-30.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Appeal Brief, filed 5/26/2006, with respect to claims 1-6, 8-13, 15-17, 19-30 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Timothy N. Trop (Reg. No. 28,994) on 8/4/2006.

The application has been amended as follows:

Regarding **claim 6**, the limitation “**the pixel array**” in line 2 of claim 6 has been amended as -- a pixel array --.

Regarding **claim 15**, the preamble “**An article comprising a medium that stores instructions that cause a processor-based system to:**” has been amended as -- **An article comprising a medium that stores software instructions executed by a processor that cause a processor-based system to:** --.

Allowable Subject Matter

Claims 1-6, 8-13, 15-17, 19-30 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding independent claim 1, the prior art of record fails to teach or fairly suggest the combination of all limitations of claim 1 that includes “...determining a number of spatial defects based on a number of pairs of adjacent defective pixels that are closer than a given offset by analyzing said data during the frame read out.”

Regarding independent claim 15, the prior art of record also fails to teach or fairly suggest the combination of all limitations of claim 15 that includes “...determine during the read out of pixel intensity values from an array, a number of spatial defects involving a number of pairs of adjacent defective pixels that are closer than a predefined offset by analyzing pixel data from said array in view of said high and low limits for pixel intensity values.”

Regarding independent claim 22, the prior art of record also fails to teach or fairly suggest the combination of all limitations of claim 22 that includes “...a circuit in said device to determine a number of spatial defects based on pairs of adjacent defective pixels that are closer than an offset by analyzing the data as it is read out from said elements.”

Regarding claims 2-6 & 8-13, these claims are allowed as being directly or indirectly dependent from claim 1.

Regarding claims 16, 17 & 19-21, these claims are allowed as being directly dependent from claim 15.

Regarding claim 23-30, these claims are allowed as being directly or indirectly dependent from claim 22.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NT.



DAVID OMETZ
SUPERVISORY PATENT EXAMINER